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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,040	12/15/2003	George Mileos	048782/276347	4760
7590	01/03/2006		EXAMINER LE, TAN	
Low Reff Coudert Brothers LLP 1114 Avenue of the Americas New York, NY 10036			ART UNIT 3632	PAPER NUMBER

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/737,040	Applicant(s) MILEOS, GEORGE	
	Examiner Tan Le	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005 and 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/15/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to Applicant's replies filed 6/22/05 and 10/11/05. Currently this application contains two claims numbered 1-2. Claim 2 has been added.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Amendment to specification filed 6/22/05 has been entered.

Abstract:

The abstract of WO 02/101514 as submitted by Applicant on 12/15/03 in the instant application is not complied with the US practice.

The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. The abstract should also avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. Specifically, the abstract fails to describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details and the phrase "is described" must be removed.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “first member”, “second member”, “third member”, “spring means”, a mounting member” (claim 1), “a first link member”, “a second link member”, “auxiliary shelf”, “auxiliary shelf support”, “rotating member” (claim 2) must be shown or the feature canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1-2 is objected to because consistent terminology has not been used. For example, it appears that "a first member ", "a second member", "a third member"(claim 1) and " a box member", "a platform", and "a pivotal member" as described on pages 6-7 for Figures 1-4 are being used to refer to the same thing respectively. Claims must be consistent with the specification. The terminology should be kept consistently if it is meant to refer to the same element.

It is also not clear what elements are the "first link member", "second link member" etc. (claim 2) since no numeral is associated therewith and the numbered elements all have different terminology

Applicants are required to revise the specification carefully in order to ensure all the elements that the claims reference are properly labeled in the figure drawings as indicated. Appropriate correction is required in response to this action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "a spring means" without specifying a corresponding function to be performed. Accordingly, no basis is provided for determining what would be an equivalent structure. In particular, it is unclear what function the "a spring means" is performing. Failure to properly recite a function for the "spring means" in accordance with the sixth paragraph of Section 112 will result in the element being read merely as a spring. It is also unclear to what the element ultimately accomplishes in relationship to what the other elements of the claim and the claims as a whole accomplish.

Claims 1-2, each recites the phrase "manner effective" (claim 1, line 14; and claim 2 line 12). It is unclear to what is meant by "manner effective"? as Applicant is attempting to set forth.

Claim 1 recites the limitation "the end" in line 2 and line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the mounting member" in line 3 and line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the angle of the auxiliary shelf" in lines 1-2). There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the angle between the plane of said auxiliary shelf" line 13. There is insufficient antecedent basis for this limitation in the claim.

The lacks of antecedent basis above are a few typical. Applicant is urged to review every line of the claims to correct other 112 that that may apply.

Allowable Subject Matter

Claims 1-2 are rejected but would be favourably considered if Applicant rewritten or amended specifically to overcome the rejections under 35 U.S.C. 112, 2nd paragraph, and other objections set forth in this Office action.

Response to Arguments

Applicant's arguments with respect to claims 1-2 have been considered but are moot in view of the new ground of rejection. The new ground of this rejection is set forth partly due to some other rejections have not been raised by examiner in the previous office action. Accordingly, this action is made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tan Le', with a large, stylized loop at the beginning.

Tan Le
Patent examiner
December 19, 2005.